

PLANNING DEPARTMENT  
Department of Planning, Building and Code Enforcement  
1 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
P.C. 6/09/04 Item 4.f.

File Number  
SF03-036

Application Type  
Appeal of a Single-Family House Permit Denial

Council District  
6

Planning Area  
Willow Glen

Assessor's Parcel Number(s)  
429-35-067

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Carol Hamilton

Location: 1335 Glenwood Avenue

Gross Acreage: 0.2

Net Acreage: 0.2

Net Density: n/a

Existing Zoning: R-1-8 Residence

Existing Use: Single-family Detached Residential

Proposed Zoning: No Change

Proposed Use: Single-family Detached Residential

### GENERAL PLAN

Completed by: CH

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8.0 DU/AC)

Project Conformance:  
☐ Yes ☒ No  
☐ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: CH

North: Single-family detached

R-1-8 Residence

East: Single-family detached

R-1-8 Residence

South: Single-family detached

R-1-8 Residence

West: Single-family detached

R-1-8 Residence

### ENVIRONMENTAL STATUS

Completed by: CH

Environmental Impact Report found complete  
Negative Declaration circulated on  
Negative Declaration adopted on

☒ Exempt  
☐ Environmental Review Incomplete

### LEGAL HISTORY

Completed by: CH

Exemption Title: Willow Glen

Date: 10-01-36

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval  
Approval with Conditions  
Denial  
Uphold Director's Decision

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☒ Action  
☐ Recommendation

### PROPERTY OWNER/APPLICANT

Joseph Quink  
1335 Glenwood Avenue  
San José, CA 95125

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: CH

Department of Public Works

None Received.

Other Departments and Agencies

None Received.

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**GENERAL CORRESPONDENCE**

See Notice of Appeal filed by Sal Castello, dated 5-01-04; letter from Matson Britton, dated March 11, 2004; and letter to David Lehr from resident of 1545 Lupton Avenue.

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

This is the appeal of the Director's decision to deny a Single Family House Permit to allow the construction of a 1,555 square-foot, first floor and a 1,785 square-foot second floor addition to an existing 1,008 square-foot residence, resulting in a 4,550 square-foot house in the R-1-8 Residence Zoning District. Pursuant to Section 20.100.1030 of Title 20 of the San José Municipal Code, a Single-Family House Permit for new homes is required for the construction of a new single-family residence if the Floor Area Ratio (F.A.R.) is 0.45 or greater. The F.A.R. of the proposed house is 0.52.

The subject site is developed with a one-story, single-family detached residence. The addition and remodel of the existing house are designed in the Monterey style, including a stucco exterior, clay tile roof, stained wood railing and other trim, wrought iron grates, a cantilevered balcony and arched doors and windows. The u-shaped house wraps around an interior courtyard which is nearly enclosed by a detached garage proposed along the easterly property line. The first floor is set back from the first floor at the front of the front of the house.

Single-family detached residences surround the property. The project site is located in a neighborhood of predominately small-scale, single-family detached residences that were built in the 1930's and 40's in a variety of architectural styles. Several of the homes on this block of Glenwood Avenue have been enlarged with first- and second-story additions.

The applicant filed the subject Single Family House Permit application on December 4, 2003. The Director of Planning denied the application on April 23, 2004, based on the facts and findings included in the attached Permit Denial. On May 3, 2004, Sal Castello, a resident of property located within 1,000 feet of the subject site filed an appeal of the Director's decision. The issues raised in the appeal are addressed in the analysis section below.

## **PUBLIC OUTREACH**

Notices of the Planning Director's and Planning Commission hearings were distributed to the owners and occupants of all properties located within 300 feet of the project site. Staff has been available to discuss the project with interested members of the public.

## **ENVIRONMENTAL REVIEW**

The Director of Planning has determined that this project is exempt from further environmental review pursuant to Section 15303 (a) of the California Environmental Quality Act Guidelines in that the project consists of the reconstruction of one single-family residence that is not a significant historic resource.

## **GENERAL PLAN CONFORMANCE**

The existing single-family residential use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8.0 DU/AC).

## **ANALYSIS**

### **The Appeal**

The appellant indicates that the proposed single-family residence should be approved because the majority of residents on the street are in favor of the project; there are other properties on the street over the 0.45 FAR; there are currently 5 two-story houses and 3 more expected; the residence would fit in with the neighborhood's Spanish theme; and the lot is much larger than the rest of the lots on the street (see attached Notice of Appeal).

### **Staff Response**

The *Single-Family Design Guidelines* (SFDG) were adopted by the City Council to "help maintain the high quality of San José's neighborhoods by providing guidance for the design of new houses, additions and/or remodels in existing neighborhoods." The *SFDG* provide guidance as to how to ensure that a new or expanded house fits into the pattern of the existing neighborhood.

Staff concurs with the appellant that the architectural style of the residence conforms to the recommendations of the SFDG and is compatible with styles found in the surrounding neighborhood.

Staff also acknowledges that the subject lot is larger most other lots on the block. On a property of this size, a house of nearly 3,920 square feet with an FAR of 0.45 would be allowed without a Single Family Permit House. The currently proposed residence includes 4,550 square feet, resulting in a 0.52 FAR. The 0.45 FAR applied to the smaller lots that are the predominate pattern of this street would yield significantly smaller structures.

Staff's primary concern with this residence is not size, but rather massing. The house is a two-story structure in a neighborhood with a predominant pattern of single-story houses. A single-story house is located immediately to the west of the site. The two-story house located to the east, includes a second-story addition that is significantly set back from the front story. The Single Family Guidelines indicate where the predominant neighborhood pattern is single-story or small scale two-story, a proposed two-story residence requires careful attention to ensure that the "perceived scale"

is compatible with the surrounding structures. The *SFDG* identify a number of techniques to be used to reduce the perceived mass of a two-story house to achieve neighborhood compatibility, including:

- ? Limiting the building profile of the new house or expanded house to an area generally consistent with the profiles of adjacent houses;
- ? The second story may be set back from the first story at the front and sides.
- ? Significantly limiting the size of the second story relative to the first story, including any addition to the first story;
- ? Significantly increasing the front and/or side setbacks for the entire structure; and
- ? Placing at least 60 or 70 percent of the second story floor area over the back half of the first story.

The proposed project incorporates some of these techniques, but not enough to provide compatible massing. The project plans indicate that the building profile at the front façade remains unchanged and the second floor is set back from the front façade of the house as suggested in the *SFDG*. The front, rear and side setbacks for the structure have not been increased as suggested. The project proposes a second floor that is over the back half of the house; however, the square footage of the second story represents 77 percent of the first story, which is greater than the 60 to 70 percent recommended by the *SFDG*. Finally, the second story is set back from the first story at the front, but not on the sides. The most troublesome aspect of the massing is evident from the west elevation. With a 5-foot side setback, this elevation extends over 100 feet back on the lot with a two-story vertical wall comprising approximately 80 feet of this distance. The west elevation includes little articulation to break up this extensive vertical wall. Revised plans submitted by the applicant include pop-outs and a trellis in an attempt to provide visual relief; however, the wall remains a relentless vertical presence along the full extent of the neighbor's rear yard.

The central courtyard design encloses over half the site's open space with buildings in contrast to the traditional open space configuration at the rear of the site. This design, which pushes the main structure and garage to the edges of the site, gives the house a very large mass facing neighboring homes and allows little room on the west side for articulation without a reduction in floor area.

## **CONCLUSION**

Without a change in the design or reduction in floor area to improve the massing along the westerly property line, staff believes that the proposal does not conform to the Single Family Design Guidelines and is not compatible with adjacent uses.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission uphold the Director's decision to deny the requested Single-Family House Permit, and include the following facts and findings in its Resolution.

1. The proposed site is located in the R-1-8 Residential Zoning District.
2. The site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The project proposes to construct a 1,555 square foot 1<sup>st</sup>-floor and a 1,785 square foot 2<sup>nd</sup>-floor addition to an existing 1,008 square foot one-story residence resulting in a 4,550 square foot

house.

4. The site is approximately 8,735 square feet or 0.2 gross acres.
5. The proposed floor area ratio of the project is 0.52.
6. A Single-family House Permit is required for a new or expanded single-family residence that exceeds a Floor Area Ratio (FAR) of 0.45.
7. The subject site and surrounding sites are developed with single-family residences. The majority of residences on this block of Glenwood Avenue are single story.
8. The Single-Family Design Guidelines state that, "The size and massing of new houses and additions should be compatible with the general scale and shapes of surrounding houses. On blocks where single story houses or small two-story houses are the predominant block pattern, a second story addition... may require particular attention to keep the perceived scale of the new construction compatible with the surrounding structures."
9. The adjacent house to the west of the subject site is a small single-story single-family house with a large rear yard.
10. The adjacent house to the east of the subject site is a two-story single-family home with rear yard open space extending for more than 80 feet on the back of the lot.
11. The project proposes an 80-foot long unarticulated two-story wall set back only five feet from the west side of the lot. The length, height and lack of articulation of the wall give the house tremendous perceived mass.
12. The project as proposed includes an approximately 740 square foot internal court surrounded by a 435 square foot garage and house walls. This configuration with over half of the open space enclosed by walls rather than in the traditional configuration at the rear of the house gives the project a very large mass facing neighboring homes.
13. The project as proposed takes up almost the entire building envelope on this large lot, leaving minimal open space facing adjacent sites.
14. The Single-Family Design Guidelines (SFDGs) recommend the following measures to minimize the perceived scale of houses: a) the building profile may be limited, b) the second story may be set back from the front and sides of the first story, c) the second story may be significantly limited in relation to the first, d) the front or side setbacks for the entire structure may be increased, and/or e) 60 or 70 percent of the second story may be placed over the back half of the first story.
15. For the subject proposal, the building profile at the front façade remains unchanged and the second story is set back from the front façade of the house as suggested in the SFDGs.
16. On the west elevation, the second story is not set back from the sides of the first story of the house as suggested in the SFDGs.
17. The front, rear and side setbacks for the structure have not been increased as suggested in the

SFDGs.

18. The project proposes a second floor that is over the back half of the house; however , the square footage of the second story represents 77 percent of the first story, which is greater than the 60 to 70 percent recommended by the SFDGs.

## **FINDINGS**

Finally, based upon the above-stated facts , the Planning Commission finds that:

1. The proposed single-family house is not in conformance with the recommendations of the Single-Family Design Guidelines.
2. The proposed house is not compatible with the general scale of the surrounding neighborhood.
3. The interrelationship between the orientation, location, and elevations of the proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.
4. The orientation, location, and elevation of the proposed buildings and structures and other uses on the site are neither compatible with nor aesthetically harmonious with adjacent development and the character of the neighborhood.
5. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on the adjacent property or properties.

Finally, based upon the above stated findings, the Planning Commission **denies** the proposed application.

c: Joseph Quink, 1335 Glenwood Avenue, San José, CA 950125  
Art Martinez, MBA Architects, 728 North Branciforte Avenue, Santa Cruz, CA 95062